

CASCADE COUNTY PLANNING BOARD

PLANNING STAFF: Report and Recommendations

REGARDING: Planning Board Public Hearing on October 30, 2018

SUBJECT: Major Subdivision Preliminary Plat, River Bend Estates, located in the W ½ of Section 34, T. 20 N., R. 3 E., P.M. Cascade County, Montana

PRESENTED BY: Sandor Hopkins, Planner

GENERAL INFORMATION

Applicants/Owners: Rick and Judy Higgins, Higgins Enterprises LTD

Property Location: This proposed subdivision is River Bend Estates, Major Subdivision, Parcel #0002506800, Geo Code 02-3015-34-1-01-01-0000 in the W 1/2, Section 34, Township 20 N., Range 3 E., P.M. Cascade County, Montana.

Existing Zoning: Suburban Residential 2

Requested Action: Subdivision Review

Purpose: To create twelve (12) residential lots, one (1) parkland lot, and one remaining tract of land.

Existing Land Use: The existing lot is undeveloped

Surrounding Land Uses: Residential, Vacant, Missouri River

SPECIAL INFORMATION

1. The Planning Board is in receipt of an application from Rick and Judy Higgins, Higgins Enterprises LTD, to recommend approval of the major subdivision plat to the County Commissioners. This proposed subdivision, is located in the W 1/2, Section 34, Township 20 N., Range 3 E., P.M.M. Cascade County, Montana
2. Attached is a copy of the major plat, which will subdivide 170.07 acres into fourteen (14) lots. The new residential lots will be sized from 2.00 acres to 2.27 acres with one parkland lot of 1.62 acres and a remaining tract of 143.02 acres.
3. Pursuant to 76-3-605, MCA a public hearing is required for this major subdivision.
4. There are no delinquent taxes on this property.
5. An Environmental Assessment is required pursuant to 76-3-603(1)(a), MCA (2017).
6. The project lies inside of the Outer Horizontal Surface Military Overlay District, which prohibits development of structures over 500 feet above the helicopter runway at

Malmstrom, 3,526 feet. The highest elevation point of this development is approximately 3435 feet.

7. The lots to be created are not located in a regulated floodplain.
8. Legal notice of this proposed subdivision was sent to surrounding property owners on October 12, 2018 and appeared in the Great Falls Tribune on October 14, 2018 & October 21, 2018.
9. Interested Agencies were provided with notification letters and a request for comments on October 12, 2018. The applicant reached out to Great Falls Public Schools in August and they responded on August 22, 2018 to state that the Great Falls school system would be able to accommodate the extra students.
10. Access to the proposed subdivision will be granted by two new approaches from Flood Road. Access to the lots will be provided by an internal road system.
11. The applicant's Traffic Impact Analysis estimates that when fully developed, this subdivision will generate an additional 117 trips per day along Flood Road. According to the 2014 Great Falls Area Long Range Transportation Plan, the theoretical roadway capacity of Flood Road is 12,000 vehicles per day and the average annual daily traffic is 1,405 trips. Based on these numbers Flood Road has adequate capacity to handle the traffic generated from this subdivision.
12. Parkland dedication is a requirement of this proposed subdivision. The 12 proposed residential lots will cover 25.35 acres, and the developer is required to dedicate parkland to 5% of the residential area, 1.27 acres. The applicant proposes a 1.62 acre park lot.
13. The proposed subdivision will receive law enforcement services from the Cascade County Sheriff's Department and fire protection services from the Gore Hill Volunteer Fire Department. Response time will be dictated by weather and road conditions.
14. According to the Community Fire Plan Wildland-Urban Interface for Cascade County and Dearborn Fire District, Lewis and Clark County, the property is designated as Low to Moderate Terrain/Fuel Hazard. The proposed subdivision will include the installation of a Fire Suppression cistern on site that will serve as the fire protection source. The developer has proposed a 15,000 gallon storage tank and a dedicated easement for the cistern, well, and gravel turn-around, but will require a minimum cistern volume of 16,000 gallons (10,000 + 500 gal/lot).

CONCLUSION

This proposed subdivision will meet the requirements of the Cascade County Subdivision Regulations, as well as Montana's Subdivision and Surveying Laws and Regulations.

RECOMMENDATIONS

The following motions are provided for the Board's consideration:

"I move to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact, **deny**, a major subdivision, a Preliminary Plat of River Bend Estates;

or

"I move to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact, adopt said Staff Report and Findings of Fact and **approve**, a major subdivision, a Preliminary Plat of River Bend Estates, subject to the following conditions:

1. Having the developer's surveyor correct any errors or omissions on the preliminary plat;
2. Causing to be prepared certificates of title of the land in the subdivision to be recorded in conjunction with the final plat;
3. Submitting with the plat a certificate of a title abstracter showing the names of the owners of record of the land and the names of lien holders or claimants of record against the land (M.C.A. 76-3-612, 2017).
4. Causing to be recorded in conjunction with the final plat the covenants of the Major Plat that contain, at a minimum, a noxious weed control program, an erosion control program, a limit to livestock and pets, a provision prohibiting commercial or industrial uses, and that impose upon all landowners the exclusive responsibility to improve and maintain the public rights of way created by and indicated on the subdivision plat.
5. Causing to be recorded in conjunction with the final plat homeowners' association documents with sufficient authority and procedural mechanisms to administer, enforce, and fund the perpetual maintenance and discretionary improvement of the public rights of way created by and indicated on the subdivision plat.
6. Causing to be recorded on the plat a statement concerning limited public services.
7. Pursuant to 7-22-2152 M.C.A. (2017), submitting a written plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this development.
8. Causing to be recorded on the plat an Agriculture Notification statement.
9. A lot dedicated to parkland and the homeowner's association, no smaller than 1.27 acres, or 1.62 acres as shown on the preliminary plat.
10. Causing to be recorded in conjunction with the final plat, an agreement requiring property owners of each subdivision tract to take part in any Rural Special Improvement District (RSID) for the reconstruction, improvement or perpetual maintenance of Flood Road, or any county road in the vicinity used to access the major subdivision, River Bend Estates, or any other road that can be used to access these lots as determined by Cascade County, provided that all other property owners served by said road share equitably in such an RSID. This waiver shall expire 20 years after the date the final plat is filed with Cascade County. This statement of waiver shall be placed on the final plat.
11. Design, construction, inspection, and certification, by a licensed professional engineer, of all internal private roads and cul-de-sacs to Cascade County Subdivision Road

Specifications, as well as the purchase and installation of all required street signs and stop signs. All of the above items to be at the developer's expense and to be completed prior to the approval of the final plat.

12. The inclusion on the major plat a statement provided by Cascade County certifying the status of the internal subdivision roads.
13. The inclusion of setbacks in the covenants as required by the Cascade County Zoning Regulations.
14. Montana Department of Environmental Quality (MDEQ) Certificate of Subdivision Approval (COSA) shall be submitted with the final plat.
15. Cause to be filed with final plat a Declaration of Covenant that declares that all of the properties described shall be held, sold, and conveyed subject to the following covenant which shall run with the real property and be binding on all parties having any heirs, successors and assigns, and shall bind each owner thereof. The covenant may be revoked for any or all parcels within the subdivision by mutual consent of the owners of the parcels in question and the governing body of Cascade County.
16. A 16,000 Gallon fire suppression cistern installed on-site, properly maintained and equipped with the proper appurtenances for the Gore Hill Volunteer Fire Department to use for firefighting at all times. Provide the developers install and the homeowners association maintain an accessible approach for access to the cistern at all times.
17. The homeowners association shall be responsible for the continual maintenance of the equipment subject to adequate inspections by the Fire Chief of the Gore Hill Volunteer Fire Department to insure the equipment is being properly maintained.
18. MDEQ approval for the proposed site grading and drainage and stormwater conveyance system shall be submitted prior to final plat approval. Additionally, final engineering plans, stamped by a professional engineer in the State of Montana, shall be submitted to the Cascade County Planning Division with the final plat submittal.
19. A copy of the MDEQ General Discharge Permit for Stormwater associated with construction activity shall be submitted prior to final plat approval, if applicable.

Attachments: Findings of Fact
Reduced Copy of Preliminary Plat
School District Letter

cc: Rick and Judy Higgins, Higgins Enterprises LTD
Jason Crawford and Brad Koon, Triple Tree Engineering